

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

MANUEL GUADIAN,

Plaintiff,

v.

AMERICOR FUNDING LLC,

Defendant.

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CAUSE NO. EP-23-CV-310-KC

ORDER

On this day, the Court considered the case. In a separate case filed by Plaintiff, the defendant alleged that Plaintiff completed an online form using a false name to solicit the calls and messages that formed the basis for his claims. Mot. Designate Resp. 3d Parties at 6, *Guadian v. DebtBlue LLC*, No. 23-cv-329-KC (W.D. Tex. Nov. 29, 2023), ECF No. 26. In response, the Court informed the parties that it was considering imposing sanctions against Plaintiff and ordered the parties to file evidence in support of their positions. Order at 11–12, *DebtBlue* (Jan. 8, 2024), ECF No. 28. After reviewing the parties’ submissions, the Court took the sanctions issue under advisement “pending the completion of litigation on the merits.” Order at 2, *DebtBlue* (Feb. 9, 2024), ECF No. 33. Then Plaintiff acknowledged “the lack of legally or factually sufficient evidence to file and maintain th[e] action against Defendants” and sought to dismiss his claims with prejudice. Mot. Dismiss at 3, *DebtBlue* (May 6, 2024), ECF No. 43. Because the defendants were unopposed, the Court dismissed Plaintiff’s claims with prejudice. *See* Order at 2, *DebtBlue* (May 7, 2024), ECF No. 44.

But the Court remained concerned that Plaintiff may have attempted to use the Court to perpetrate a fraud—a concern that deepened with Plaintiff’s concession that he instituted that action without any legal or factual basis to do so. *See id.* Accordingly, the Court ordered

Plaintiff to serve a Notice, prepared by the Court and attached to the Order, on each Defendant against whom Plaintiff had pending claims in any open lawsuit in this Division. *Id.* at 3. The Court also ordered Plaintiff to file the Notice or a certificate of service on the docket in each pending case no later than May 31, 2024. *Id.* The Court warned Plaintiff that “failure to comply . . . may result in sanctions, including, but not limited to, dismissal of his pending cases and/or the issuance of an anti-suit injunction.” *Id.*

May 31, 2024, has passed, and Plaintiff has not filed the required documents in any of his pending cases, including this case. Nor has Plaintiff sought an extension of the deadline to do so. Accordingly, it is **ORDERED** that all of Plaintiff’s claims in this case are **DISMISSED**.

IT IS FURTHER ORDERED that the Motion to Dismiss, ECF No. 21, is **DENIED** as **MOOT**.

The Clerk shall close the case.

SO ORDERED.

SIGNED this 4th day of June, 2024.


KATHLEEN CARDONE
UNITED STATES DISTRICT JUDGE